

Education Code Section 44258.9

- (a) The Legislature finds that continued monitoring of teacher assignments by county superintendents of schools will ensure that the rate of teacher misassignment remains low. To the extent possible and with funds provided for that purpose, each county superintendent of schools shall perform the duties specified in subdivisions (b) and (c).
- (b) (1) Each county superintendent of schools shall monitor and review school district certificated employee assignment practices in accordance with the following:
 - (A) Annually monitor and review schools and school districts that are likely to have problems with teacher misassignments and teacher vacancies, as defined in subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of Section 33126, based on past experience or other available information.
 - (B) Annually monitor and review schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, if those schools are not currently under review through a state or federal intervention program. If a review completed pursuant to this subparagraph finds that a school has no teacher misassignments or teacher vacancies, the next review of that school may be conducted according to the cycle specified in subparagraph (C), unless the school meets the criteria of subparagraph (A).
 - (C) All other schools on a four-year cycle.
- (2) Each county superintendent of schools shall investigate school and district efforts to ensure that any credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training.
- (3) The Commission on Teacher Credentialing shall be responsible for the monitoring and review of those counties or cities and counties in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco. All information related to the misassignment of certificated personnel and teacher vacancies shall be submitted to each affected district within 30 calendar days of the monitoring activity.

- (c) County superintendents of schools shall submit an annual report to the Commission on Teacher Credentialing and the department summarizing the results of all assignment monitoring and reviews. These reports shall include, but need not be limited to, the following:
 - (1) The numbers of teachers assigned and types of assignments made by the governing board of a school district under the authority of Sections 44256, 44258.2, and 44263.
 - (2) Information on actions taken by local committees on assignment, including the number of assignments authorized, subject areas into which committee-authorized teachers are assigned, and evidence of any departures from the implementation plans presented to the county superintendent by school districts.
 - (3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments.
 - (4) (A) Information on certificated employee assignment practices in schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to ensure that, at a minimum, in any class in these schools in which 20 percent or more pupils are English learners the assigned teacher possesses a certificate issued pursuant to Section 44253.3 or 44253.4 or has completed training pursuant to Section 44253.10 or is otherwise authorized by statute.
 - (B) This paragraph shall not relieve a school district from compliance with state and federal law regarding teachers of English learners or be construed to alter the definition of "misassignment" in subparagraph (B) of paragraph (5) of subdivision (b) of Section 33126
 - (5) After consultation with representatives of county superintendents of schools, other information as may be determined to be needed by the Commission on Teacher Credentialing.
- (d) The Commission on Teacher Credentialing shall submit biennial reports to the Legislature concerning teacher assignments and misassignments which shall be based, in part, on the annual reports of the county superintendents of schools.
- (e) (1) The Commission on Teacher Credentialing shall establish reasonable sanctions for the misassignment of credential holders. Prior to the implementation of regulations establishing sanctions, the Commission on Teacher Credentialing shall engage in a variety of

activities designed to inform school administrators, teachers, and personnel within the offices of county superintendents of schools of the regulations and statutes affecting the assignment of certificated personnel. These activities shall include the preparation of instructive brochures and the holding of regional workshops.

- (2) Commencing July 1, 1989, any certificated person who is required by an administrative superior to accept an assignment for which he or she has no legal authorization shall, after exhausting any existing local remedies, notify the county superintendent of schools in writing of the illegal assignment. The county superintendent of schools shall, within 15 working days, advise the affected certificated person concerning the legality of his or her assignment. There shall be no adverse action taken against a certificated person who files a notification of misassignment with the county superintendent of schools. During the period of the misassignment, the certificated person who files a written notification with the county superintendent of schools shall be exempt from the provisions of Section 45034. If it is determined that a misassignment has taken place, any performance evaluation of the employee under Sections 44660 to 44664, inclusive, in any misassigned subject shall be nullified.
- (3) The county superintendent of schools shall notify, through the office of the school district superintendent, any certificated school administrator responsible for the assignment of a certificated person to a position for which he or she has no legal authorization of the misassignment and shall advise him or her to correct the assignment within 30 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignment if the certificated school administrator has not corrected the misassignment within 30 days of the initial notification, or if the certificated school administrator has not described, in writing, within the 30-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.
- (4) The county superintendent of schools shall notify any superintendent of a school district in which 5 percent or more of all certificated teachers in the secondary schools are found to be misassigned of the misassignments and shall advise him or her to correct the misassignments within 120 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignments if the school district superintendent has not corrected the misassignments within 120 day of the initial notification, or if the school district superintendent of schools has not described, in writing, within the 120-day period,

to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

- (f) An applicant for a professional administrative service credential shall be required to demonstrate knowledge of existing credentialing laws, including knowledge of assignment authorizations.
- (g) The Superintendent shall submit a summary of the reports submitted by county superintendents pursuant to subdivision (c) to the Legislature. The Legislature may hold, within a reasonable period after receipt of the summary, public hearings on pupil access to teachers and to related statutory provisions. The Legislature may also assign one or more of the standing committees or a joint committee, to determine the following:
 - (1) The effectiveness of the reviews required pursuant to this section.
 - (2) The extent, if any, of vacancies and misassignments, as defined in subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of Section 33126.
 - (3) The need, if any, to assist schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to eliminate vacancies and misassignments.

**Appropriate English Learner Authorizations for Certificated Assignment
Monitoring and Data Collection per *Education Code* Section 44258.9**

The term of the California Commission on Teacher Credentialing (CCTC) documents (rows 1-11) may be waivers, emergency permits, new provisional internship or short-term staff permit, internship credentials/certificates, or preliminary, clear, professional clear, or life credentials. The certificate in row 12 is a locally issued document and does not have a term.

No document is issued for those in rows 13 and 14; local employing district must ensure if an individual is actively pursuing coursework to earn an appropriate certificate. The Plan to Remedy (PTR) is a compliance monitoring process used by the California Department of Education (CDE).

	English Language Development (ELD) ¹	Specially Designed Academic Instruction in English (SDAIE) ¹	Instruction in Primary Language (Bilingual) ¹
1	Bilingual Specialist Credential	Bilingual Specialist Credential	Bilingual Specialist Credential
2	Bilingual Certificate of Competence (BCC) ²	Bilingual Certificate of Competence (BCC) ²	Bilingual Certificate of Competence (BCC) ²
3	Bilingual Crosscultural Language and Academic Development (BCLAD) Certificate or BCLAD Emphasis	Bilingual Crosscultural Language and Academic Development (BCLAD) Certificate or BCLAD Emphasis	Bilingual Crosscultural Language and Academic Development (BCLAD) Certificate or BCLAD Emphasis
4			Sojourn Teaching Credential
5	Language Development Specialist (LDS) Certificate ²	Language Development Specialist (LDS) Certificate ²	
6	Crosscultural Language and Academic Development (CLAD) Certificate or CLAD Emphasis	Crosscultural Language and Academic Development (CLAD) Certificate or CLAD Emphasis	
7	Multiple or Single Subject with AB 1059 English Learner Content	Multiple or Single Subject with AB 1059 English Learner Content	
8	Multiple or Single Subject SB 2042	Multiple or Single Subject SB 2042	
9	General Teaching Credential ³		

	English Language Development (ELD) ¹	Specially Designed Academic Instruction in English (SDAIE) ¹	Instruction in Primary Language (Bilingual) ¹
10	Supplementary Authorization in English as a Second Language ²		
11	Certificate of Completion of Staff Development ⁴ (<i>through SB 395/AB 2913</i>)	Certificate of Completion of Staff Development ⁴ (<i>through SB 395/AB 2913</i>)	
12	SB 1969 Certificate of Completion ⁵	SB 1969 Certificate of Completion ⁵	
13	In training for Certificate of Completion of Staff Development ⁴ (<i>through SB 395/AB 2913</i>)	In training for Certificate of Completion of Staff Development ⁴ (<i>through SB 395/AB 2913</i>)	
14	Plan to Remedy the Shortage (PTR)	Plan to Remedy the Shortage	Plan to Remedy the Shortage

1. There are restrictions to the grade level and subject area(s) that may be taught in each of the settings – check document for specific authorization. All CCTC-documents with the exception of the multiple and single subject teaching credentials require a prerequisite teaching credential.
2. These certificates or authorizations are no longer initially issued but remain valid and appropriate to serve English learners.
3. Although these credentials may legally be assigned to teach English as a Second Language (ESL/ELD), it is not recommended that employing agencies use these credentials unless the holder possesses skills or training in ESL/ELD teaching. Authorization is limited to grade level of credential.
4. Instruction is limited to instruction in a departmentalized classroom in the subject and grade authorized by the individual's basic credential. Instruction in a self-contained classroom in which the teacher is responsible for instructing the same students and a departmentalized classroom in the subject and grade authorized by the individual's basic credential. Unlike CLAD, the authorization to provide services to English learners under Certificate of Completion of Staff Development through SB 395/AB 2913 is restricted to teaching content authorized within the basic credential and does not include the teaching of English learners in specialized or designated classes or settings.

5. SB 1969 Certificates are no longer issued but remains valid. The CCTC stopped registering SB 1969 Certificates on July 1, 2003, and no longer registers any certificates regardless of the circumstances. An SB 1969 Certificate that was not registered with the CCTC is still valid. The individual will need to show the certificate to their current employer and will also need to provide it to any new employers. Unlike CLAD, the authorization to provide services to English learners under an SB 1969 Certificate of Completion of Staff Development is restricted to teaching content authorized within the basic credential and does not include the teaching of English learners in specialized or designated classes or settings.
6. Employing agencies may enroll individuals in their PTR when there is a shortage of teachers with appropriate certification to teach English learners. These teachers must be actively pursuing an appropriate English learner authorization such as CLAD/BCLAD or a Certificate of Staff Development (through SB 395/AB 2913). Individuals enrolled in a PTR who are working to earn a CLAD or BCLAD Certificate is considered to be appropriately assigned until July 1, 2005. After July 1 2005, the CCTC will no longer accept enrollment in the PTR for appropriate authorization to serve English learners. However, for the data required per *EC* Section 44258.9(c)(4), individuals serving in a decile 1, 2, and 3 school of the 2003 base API, and enrolled in the PTR prior to July 1 , 2005, seeking to earn a CLAD or BCLAD will be counted in the category as “teachers without an English learner authorization.”

Reporting on Number of Classes Taught for California *Education Code* Section 44258.9(c)(4)(A)

There are two determining factors in counting the number of classes taught by an individual with 20 percent or more English learners in a class in a school in decile 1, 2, and 3. One is whether the instruction is in a classroom setting. Pull-out and resource setting may not be a classroom setting and are therefore not part of this data collection. The second factor is the type of setting. Self-contained class settings are counted as one class and departmentalized class settings are counted period by period. **It does not matter if the setting is in a regular, alternative, special education or charter school class.**

The basic teaching credential is not a factor in deciding how to count the classes for this data collection. For example, the holder of a multiple subject credential with a supplementary authorization in mathematics is teaching five periods of departmentalized mathematics classes at the middle school level. Even though the teacher holds an elementary credential, since the assignment is departmentalized the classes will be counted for this data collection period by period and in this example as five classes.

Self-Contained Class

A self-contained classroom setting is one whereby all subjects are taught by an instructor to a group of students; usually found at the elementary level.

Departmentalized Class

A departmentalized class is one in which one instructor teaches a specific subject matter area. The instructor usually teaches the subject matter to several different groups of students. This is the classroom organization usually found in a middle, junior, or high school setting but may also be found at the elementary level in classes such as art, physical education, and music. Departmentalized settings include block scheduling, core settings (two or more classes to the same group of students at the middle school level), and exploratory wheel classes.

Alternative Education Setting Class

Alternative education is a course of study prescribed by the *EC* which is different from and is an alternative to conventional or regular instruction. This includes continuation, home/hospital, community day, necessary small, opportunity, juvenile court, and independent study if services are provided in a classroom setting. Most teachers serving in these settings are assigned on the basis of *EC* Section 44865 which is an appropriate authorization if the teacher has consented to the assignment. However, if 20 percent or more English learner students are in an alternative education class in a decile 1, 2, or 3 school, the county will need to complete the data regarding if the teacher hold an appropriate English learner authorization. Alternative schools that receive an API are on the list if they are in deciles 1, 2, or 3.

Charter School Class

A charter school is a public school that may provide instruction in K-12. Parents, teachers, or community members may initiate a charter petition usually approved by a local school district governing board. A charter school election to participate was required to be made by February 8, 2005. Charter schools were given the option to participate in the *Williams* lawsuit settlement provisions. If a charter school is on the decile 1, 2, and 3 school list, county offices should follow the instructions above for self-contained or departmentalized setting for counting the number of classes.

Sample Data Base

This is a sample of the data county offices of education will need to collect and report to CCTC and the CDE under Education Code Section 44258.9(c)(4)(A)

					A	B	C
Name of School District	Name of School	School Enrollment	EL Enrollment	Decile	Number of classes with 20% or more English Learners	Number of classes with 20% or more English learner students with a teacher that holds an appropriate English Learner authorization	Number of classes with 20% or more English learner students with a teacher that DOES NOT hold an appropriate English Learner authorization
Hale	Gray Elementary	300	150	2	3	2	1
Hale	Eugene Middle	112	50	1	1	1	0
Subtotal					4	3	1
Owens	Nadine Elementary	226	58	3	0	0	0
Owens	Elizabeth High	1117	800	2	16	6	10
Subtotal					16	6	10
Grand Total					20	9	11

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Additional Information Resulting from Data Collection per *Education Code* Section 44258.9(c)(4)(A)

Instructions: Please refer to the "Instructions for the Spring Language Census (Form R30-LC), Reporting Year: 2005" and the "Frequently Asked Questions" for assistance in completing this form. These documents should be used while conducting the census and completing this working copy form. These documents are available on the CDE's Website at <http://www.cde.ca.gov/ds/lc/materials.asp>

Software: Language Census (LC) data must be submitted to the California Department of Education (CDE) using the LC Data Entry Assistant (LCDEA) software provided by the CDE. Internet access and Windows 95 (or later version of Windows) are required in order to use this software. Please check the CDE's Web site at <http://www.cde.ca.gov/ds/lc/lcdeanews.asp> for more information on the LCDEA software.

Submit completed LC data via the Internet using the LCDEA software on or before April 1, 2005.

Certification letters and list of schools changes can be mailed to:

Educational Demographics Office
California Department of Education
1430 N Street, Suite 6308
Sacramento, CA 95814

Data submission assistance:

Dorothy Aicega, (916) 327-0208 daicega@cde.ca.gov
Shana Wise, (916) 327-5927 swise@cde.ca.gov

English learner program and policy information:

Language Policy & Leadership Office (916) 319-0845

Check the correct submission option below:

- ☐ **No English learner (EL) or fluent-English-proficient (FEP) students enrolled as of March 1, 2005.**
Complete the contact information, certification, and Parts 3 and 4 if applicable and submit data by April 1, 2005.

OR

- ☐ **One or more English learner (EL) and/or fluent-English-proficient (FEP) students enrolled as of March 1, 2005.**
Complete the contact information, certification, and Parts 1 through 5 and submit data by April 1, 2005.

Contact Information	Certification Of Language Census	
Printed name of person completing the form	Certification – I hereby certify that the data reported on this form are accurate.	
Phone	Signature	Printed name
Data	Title	Date

Primary Language Codes (only these codes may be used in Part 1 and Part 5)

Code	Language	Code	Language	Code	Language
11	Arabic	22	Hindi	06	Portuguese
56	Albanian	23	Hmong	28	Punjabi
12	Armenian	24	Hungarian	45	Rumanian
42	Assyrian	25	Ilocano	29	Russian
61	Bengali	26	Indonesian	30	Samoan
13	Burmese	27	Italian	52	Serbo-Croatian (Bosnian, Croatian, Serbian)
03	Cantonese	08	Japanese	60	Somali
36	Cebuano (Visayan)	09	Khmer (Cambodian)	01	Spanish
54	Chaldean	50	Khmu	46	Taiwanese
20	Chamorro (Guamanian)	04	Korean	32	Thai
39	Chaozhou (Chiuchow)	51	Kurdish (Kurdi, Kurmanji)	57	Tigrinya
15	Dutch	47	Lahu	53	Toishanese
16	Farsi (Persian)	10	Lao	34	Tongan
05	Filipino (Pilipino or Tagalog)	07	Mandarin (Putonghua)	33	Turkish
17	French	48	Marshallese	38	Ukrainian
18	German	44	Mien (Yao)	35	Urdu
19	Greek	49	Mixteco	02	Vietnamese
43	Gujarati	40	Pashto	99	All other non-English languages
21	Hebrew	41	Polish		

Appendix E

County-District-School Code: _____
School Name _____

Part 1

English Learner (EL) and Fluent-English-Proficient (FEP) students

Report all EL and FEP students enrolled as of March 1, 2005. Count all currently enrolled FEP students including (1) students initially identified as FEP this year and in previous years AND (2) students redesignated this year and in previous years. Only list languages that correspond to the FEPs/ELs for this school, and only list a language code once. Combine all "other" non-English language on one line. Do not use tally marks. Do not fill empty cells with zeroes.

Primary Language		Grade Level (Do not enter zeros)															Row
Language Name	Code	Type	Kdgn	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th	Ungr	Total
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)
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